

Subpart A—General Provisions and Conditions

SOURCE: 37 FR 25931, Dec. 6, 1972, unless otherwise noted.

§ 1952.1 Purpose and scope.

(a) This part sets forth the Assistant Secretary's approval of State plans submitted under section 18 of the Act and part 1902 of this chapter. Each approval of a State plan is based on a determination by the Assistant Secretary that the plan meets the requirements of section 18(c) of the Act and the criteria and indices of effectiveness specified in part 1902.

(b) This subpart contains general provisions and conditions which are applicable to all State plans, regardless of the time of their approval. Separate subparts are used for the identification of specific State plans, indication of locations where the full plan may be inspected and copied, and setting forth any special conditions and special policies which may be applicable to a particular plan.

§ 1952.2 Definitions.

(a) *Act* means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*).

(b) *Assistant Secretary* means the Assistant Secretary of Labor for Occupational Safety and Health.

§ 1952.3 Developmental plans.

Any developmental plan; that is, a plan not fully meeting the criteria set forth in §1902.3 of this chapter at the time of approval, must meet the requirements of §1902.2(b) of this chapter.

§ 1952.4 Recordkeeping and reporting requirements.

(a) States must adopt recordkeeping and reporting regulations which are substantially identical to 29 CFR part 1904 "Recording and Reporting Occupational Injuries and Illnesses" except for §1904.13 of this chapter, which provides for variances. However, a State is not precluded from imposing stricter recordkeeping requirements; that is, requiring records from employers of any number of employees.

(b) Employer petitions for variances or exceptions to State recordkeeping and reporting requirements under an approved plan must be obtained from the Bureau of Labor Statistics of the U.S. Department of Labor. Therefore, a State may not grant a variance to recordkeeping and reporting requirements under their own procedures.

(c) In order to preserve the uniformity of statistics, a State must recognize all variances granted by the Bureau of Labor Statistics.

(d) A State is not prohibited from requiring supplementary reporting or recordkeeping data, but such additional data must be approved by the Bureau of Labor Statistics to insure that there will be no interference with the primary uniform reporting objectives.

(e) Data obtained from employers in the periodic survey conducted pursuant to 29 CFR 1904.21 (OSHA Form 103 and corresponding State forms) shall not be used to identify specific employers for enforcement purposes.

[39 FR 29182, Aug. 14, 1974, as amended at 42 FR 38568, July 29, 1977]

§ 1952.5 Availability of the plans.

(a) A complete copy of each State plan including any supplements thereto, shall be kept at:

(1) Office of Federal and State Operations, OSHA, Room 305, Railway Labor Building, 400 First Street, NW., U.S. Department of Labor, Washington, DC 20210; and

(2) The office of the nearest Regional Administrator, Occupational Safety and Health Administration. The addresses of the Regional Administrators are listed in the "United States Government Organization Manual," 1972/73, p. 310. The copy shall be available for public inspection and copying.

(b) A complete copy of the State plan of a particular State, including any supplements thereto, shall be kept at the office of the State office listed in the appropriate subpart of this part 1952.

§ 1952.6 Partial approval of State plans.

(a) The Assistant Secretary may partially approve a plan under part 1902 of this chapter whenever: